

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

NATHANIEL PENA FELICIANO,

Plaintiff,

v.

Case No. 8:20-cv-718-TPB-JSS

STYROFOAM MOULDING COMPANY
and ANTONIO CASCO,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Julie S. Sneed, United States Magistrate Judge, entered on July 9, 2021. (Doc. 15). Judge Sneed recommends “Plaintiff’s Motion for Default Judgment Against All Defendants” (Doc. 13) be granted in part and denied in part. No objection to the report and recommendation was filed, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must “make a de novo determination of those portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Sneed's report and recommendation, in conjunction with an independent examination of the file, the Court adopts the report and recommendation in all respects. The Court agrees with Judge Sneed's detailed and well-reasoned factual findings and legal conclusions.

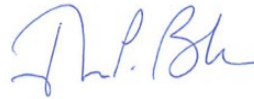
Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

1. The report and recommendation (Doc. 15) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
2. "Plaintiff's Motion for Default Judgment Against All Defendants" (Doc. 13) is **GRANTED IN PART** and **DENIED IN PART** to the extent stated herein.
3. Nathaniel Pena Feliciano is awarded \$18,532 in unpaid overtime wages and an additional amount in liquidated damages, totaling \$36,704.
4. Nathaniel Pena Feliciano is awarded \$10,800 in back pay and an additional equal amount in liquidated damages, totaling \$21,600.
5. Nathaniel Pena Feliciano is awarded \$5,372.50 in reasonable attorneys' fees and \$550 in costs.
6. Plaintiffs' motion is otherwise **DENIED**.

7. The Clerk is directed to enter judgment in favor of Nathaniel Pena Feliciano and against Styrofoam Moulding Company and Antonio Casco, jointly and severally, as to Counts I and III in Plaintiff's Complaint (Doc. 1) in the amount of \$64,226.50. Upon entry of judgment, the Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 29th day of July, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE